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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 598th MEETING

Held at the Palais des Nations, Geneva,
on Monday 17 January 2000, at 3 p.m.

Chairperson: Mrs. OUEDRAOGO

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GE.00-40380 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of the former Yugoslav Republic of Macedonia (CRC/C/8/Add.36) (HRI/CORE/1/Add.83; CRC/C/Q/MAC/1; written replies to questions raised in the list of issues (CRC/C/A/MAC/1) (document distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of the former Yugoslav Republic of Macedonia resumed their places at the Committee table.

2. Mr. TODOROV (The former Yugoslav Republic of Macedonia) agreed that the principle of non-discrimination as related to certain national minorities' access to higher education had not yet been fully applied. He referred the Committee members to the figures provided on the primary and secondary education of various ethnic groups and on higher education staffing in the written replies to question 26 of the list of issues (CRC/C/Q/MAC/1). Furthermore, the Government had established a policy of positive discrimination to facilitate national minorities' access to higher education.

3. From a legal point of view, the principle of non-discrimination was enshrined in article 9 of the Constitution and had been incorporated into all the laws relating to children's rights. Legislation in the areas in question was applied on the basis of that fundamental principle. Consequently, revision of the legislative framework was not necessary. However, if certain laws or acts were believed to be discriminatory, individuals or groups could apply to the Constitutional Court for a remedy in defence of their rights. As to the compatibility of the constitutional provision relating to non-discrimination and article 2 of the Convention, the list of possible forms of discrimination as contained in that provision was not exhaustive and all citizens were equal before the Constitution and the law.

4. It was true that girls were discriminated against as far as their right to education was concerned, but the Government was taking specific measures to correct that situation. Secondary education was not compulsory and it was left up to the parents to decide. The State had, for a long time, tried to promote secondary education for girls to counteract the traditional view upheld by some ethnic groups that girls did not need to go beyond primary education.

5. Ms. LAZAROVA-TRAJKOVSKA (The former Yugoslav Republic of Macedonia) said that the State was paying close attention to the issue of children born at home because it was aware that the right to be registered at birth and to have a nationality were fundamental rights. The proportion of children born at home had fallen from 12 per cent in 1993 to 4 per cent in 1998. Around 245 local offices, mainly responsible for registering the births, marriages and deaths of Macedonians and foreigners, had been opened in rural areas. In addition, the Government had published an information pamphlet for parents on the birth registration process. In 1997, 769 children had been born at home in the former Yugoslav Republic of Macedonia out of a total of 34,220 registered births.

6. Home births were not solely among the Romany minority. In any event, most Roma lived in urban areas and therefore the women generally gave birth in hospitals. The question regarding the citizenship rights of the Roma people had probably been prompted by the United Nations Children's Fund (UNICEF) report on the subject, but it should be noted that at a meeting with UNICEF the latter had admitted that the figures quoted in the report were incorrect.

7. The provisions relating to the prevention of statelessness under the 1992 nationality law dated back to a 1928 law of the Kingdom of Yugoslavia. Macedonian citizenship could be conferred upon a child even if his parents were stateless or unknown. If it was later discovered that the parents had another nationality, other procedures were applied. Macedonian nationality had never been refused to any child born on the territory of the former Yugoslav Republic of Macedonia, whether the parents were known or not. The Government had published an information pamphlet for persons without a nationality.

8. Ms. GROZDANOVA (The former Yugoslav Republic of Macedonia) explained that, if children were victims of abuse or exploitation, Social Work Centres were authorized to receive complaints of such abuse from family members, medical centres, the police or schools and to act on that basis. A group of specialists then studied the case in the best interests of the child and organized meetings between the parties involved. If the child had been the victim of psychological abuse he could be removed from his environment and placed in a foster home or an institution. In most cases the abuser would be brought before the courts to face criminal charges and, depending on the seriousness of the case, parents could be deprived of their parental rights.

9. Mr. PENDAROVSKI (The former Yugoslav Republic of Macedonia) said that a Ministry of the Interior division with a predominantly female staff monitored the abuse of minors. An under-age victim could only be accompanied to a police station by a family member (excluding the abuser) and could only make a statement in the presence of a social worker. A preliminary report was prepared and transmitted to the government procurator's office and the examining court. The division's female staff was highly qualified and the previous year a three-week seminar had been organized for them locally and abroad with the assistance of colleagues in Germany and the United States. The Government believed that the police should maintain a low profile where victims were concerned.

10. Ms. VELICKOVSKA (The former Yugoslav Republic of Macedonia) said that a child could be called upon to testify in court but that the situation varied depending on whether he was the perpetrator or the victim of the offence. An adolescent who was guilty of an offence could be punished with a disciplinary measure or placed in a detention centre for juvenile delinquents. A special procedure was followed for adolescents who had been accused. The parents or legal guardian of a juvenile delinquent could be held responsible, a possibility not envisaged under the Convention.

11. Whether or not a child victim testified depended on whether the abuser was a parent of the victim or another adult. If a parent had committed the offence, the child was not required to testify. If the perpetrator was another adult and the child had suffered damage, the giving of evidence should not pose a threat to the child's physical or psychological well-being. The statement must be given in the presence of an educationalist or some other specialist, depending

on the maturity of the child. If the family was experiencing problems, then family therapy could be recommended, and every effort was to be made to prevent a child from becoming involved in his parents' divorce proceedings.

12. Ms. GROZDANOVA (The former Yugoslav Republic of Macedonia) said that in keeping with legislation relating to children in hazardous social circumstances, the Social Work Centre was responsible for choosing a foster home after careful study of applicant families. A campaign was under way to increase the number of potential foster families. New social laws with provisions relating to the use and monitoring of foster homes had been adopted to achieve the best results from placement in foster families or institutions. With respect to a social worker's typical caseload, the lack of staff, scarce financial resources and the increasing number of children in need of social assistance did pose a problem.

13. Mr. DZUNDEV (The former Yugoslav Republic of Macedonia) said that the Government, in cooperation with UNICEF, intended to define a national strategy as part of the follow-up to the World Summit for Children. As to local autonomy, a new decentralization policy was being framed in the areas of education, health and taxation in cooperation with the Council of Europe. It was also important for children to participate in cultural and sporting activities conducted at primary and secondary school levels.

14. Ms. GROZDANOVA (The former Yugoslav Republic of Macedonia) said that on rare occasions meetings could be organized between parents and children who had been separated, but only in the Social Work Centres. Under Macedonian family law, foreigners could adopt Macedonian children. The Ministry of Labour and Social Policy authorized such adoptions based on the advice of the Social Work Centres, whose activities were supervised by that Ministry and by the Institute of Social Affairs.

15. Mr. TODOROV (The former Yugoslav Republic of Macedonia) explained that the Office of the Ombudsman on Children's Rights had been integrated into the Office of the Ombudsman for organizational reasons. The Vlachs represented only 0.4 per cent of the population and were extremely well integrated into society. Vlach children had the choice of studying the Vlach language at school and every possible measure had been taken to preserve the cultural, linguistic and religious particularities of the Vlachs, who were represented in Parliament and in the Government.

16. As to the Children's Parliament, the result of a non-governmental organization (NGO) initiative, the original idea had been to bring children and adults together in an assembly to discuss problems affecting young people. A document resulting from the children's summit held in Skopje in November 1999 had been published and would be distributed to the Committee members.

17. Mrs. KARP asked whether there was a body responsible for studying and following up on the proposals made by the Children's Parliament.

18. Mr. DZUNDEV (The former Yugoslav Republic of Macedonia) said that contact had been made between the Government and the relevant NGOs. The new national strategy would contain provisions reflecting the observations of the Children's Parliament.

19. Mrs. MOKHUANE asked whether measures had been taken to reduce the mortality rate of children whose mothers were over 40. She wondered whether studies had been conducted to evaluate the cost of abortion in relation to the use of contraception, as well as the psychological health of adolescent and young women who had had abortions. She would also appreciate information on the incidence of sexually transmitted diseases (STDs) among adolescents. When would the bill on breastfeeding be passed? Had measures been taken to bring an end to discrimination against 15 to 18-year-olds in terms of social security coverage and what progress had been made in retraining doctors?

20. Mrs. RILANTONO requested information on the compulsory medical insurance scheme, especially with regard to children between 15 and 18 years of age. Had measures been taken to sensitize less-educated mothers about breastfeeding? She would like to know when the legislation authorizing abortion had been passed.

21. Mr. DOEK said he would like to know the number of children who had been adopted by foreigners and whether the former Yugoslav Republic of Macedonia had ratified the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. He wondered whether the children of unemployed parents, especially those who lived apart, were covered by the medical insurance scheme and whether there was an overall policy for protecting refugee children. He asked how many persons benefited from humanitarian assistance. Turning to justice for minors, he inquired whether juvenile delinquents were guaranteed the full range of legal safeguards and whether they were provided with legal aid.

22. Mr. RABAH asked whether juvenile courts could make custody decisions regarding children whose parents were separating or whether only the Social Work Centres had the authority to do so. With respect to intercountry adoption, he would like to know if bilateral agreements had been signed with neighbouring States such as Greece, Bulgaria and Albania. Furthermore, could the delegation provide reasons for the high drop-out rate in schools?

23. Mr. FULCI said that it could not be considered that the general provisions relating to the principle of non-discrimination, as contained in article 9 of the Constitution of the State party, adequately protected children with special needs, particularly since, unlike the Convention, the article did not make reference to ethnic origin or the disabilities those children might have. Against that background, he wondered what mechanisms had been put in place to protect children against all forms of discrimination.

24. As to the promotion of breastfeeding, mothers should be informed that diseases such as tuberculosis could be transmitted through breastfeeding. He asked for further information on the situation of unaccompanied and stateless refugee children and wondered what steps, especially legal ones, had been taken to protect their rights. With respect to the economic exploitation of children, he asked whether the Government intended to ratify the relevant International Labour Organization (ILO) convention.

25. Mrs. SARDENBERG requested further information on the enforcement of children's right of association and wondered what had been done to abolish corporal punishment at school and at home.

26. Mrs. KARP inquired about the privatization of health services for children and wondered whether the fact that adolescents did not have free access to contraceptives helped to augment the number of abortions. She would also like to know if adolescents who were outside the school system benefited from free counselling and health services.

27. Mr. DOEK inquired what steps the Government intended to take to issue birth certificates for refugee children who had been born in the territory of the State party in order to clarify the nationality issue.

28. The CHAIRPERSON said it was incumbent on the Government to encourage parents to ensure that their children received secondary education. She wondered whether mechanisms were in place to make sure that parents did indeed enrol their children in primary school, which was compulsory, and recommended that measures be taken to promote the education of Romany children. In addition, she asked whether a system had been established to address young people's psychological health and the prevention of violence among adolescents.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

29. Ms. BECANOVIC (The former Yugoslav Republic of Macedonia) said that the health insurance scheme, based on the principles of solidarity and mutuality, covered loss of income as a result of illness or pregnancy and included employers' contributions. Medical care and drugs were reimbursed and only a small fraction of the cost remained to be covered by beneficiaries, amounting to 5 per cent for persons under 18; however, there was full reimbursement for children under 14. Health insurance was compulsory and covered virtually the entire population. Children were covered by their parents' insurance benefits up to age 18 and age 26 for students. Foreigners could benefit from the regular scheme if they lived and worked in the country, while unemployed persons were covered by a Ministry of Labour and Social Policy fund. Similarly, persons who did not fall into any of the above categories, and who therefore were not automatically covered, could apply for coverage under the fund. A 1991 law had made it possible to establish private health clinics; once these clinics signed an agreement with the health insurance office reimbursements could be made under the same conditions as those applying to public health insurance schemes.

30. The 1970 abortion law was still in force. Nine prevention and public health programmes were under way, focusing on the protection of mother and child, regular medical examinations in schools, vaccination, and prevention of certain diseases such as AIDS and tuberculosis. The Ministry of Health had also created a breastfeeding support committee as well as a group which was responsible for drafting a law on the nutrition of newborns and had launched a campaign in that regard. With the help of UNICEF, the Ministry had also published, in Macedonian, Turkish and Albanian, pamphlets on all aspects of pregnancy, childbirth and nutrition of the newborn.

31. Ms. ZAFIROVSKA (The former Yugoslav Republic of Macedonia) said that every woman had free access to the contraception method of her choice. The country had an extensive network of family planning centres, but recent data showed that girls under 19 rarely visited them, which would partly explain the alarmingly high number of abortions. However, pharmacists and doctors were, no doubt, partly to blame as well. That was why so much emphasis was being placed on improving consultation services in family planning centres, while

respecting the need for confidentiality between patient and doctor, and the training of practitioners. A new module on STDs and family planning counselling had been introduced in their university curriculum. Under the "Healthy School" programme, a number of lectures had been organized in secondary schools on STDs, drugs, sex and mental health.

32. With regard to children suffering from psychological disturbances, most schools in the larger cities had a specially trained psychologist. Two specialized institutions - the Mental Health Institute and the University of Psychiatry - each had a department dedicated to treating children.

33. Drug abuse affected only a small percentage of the population; alarmingly, however, a growing number of adolescents were beginning to take soft drugs as early as 14 and intravenously as of 16 years. A multisectoral committee had been created to combat consumption of and trafficking in illegal substances. It had recently launched a widescale awareness-raising campaign on the dangers of drug addiction, especially the risk of AIDS transmission through intravenous drug use. Only a small number of AIDS cases were recorded each year and, to date, there had been only one case of AIDS transmission through breastfeeding.

34. Ms. GROZDANOVA (The former Yugoslav Republic of Macedonia) said that the Hague Convention on intercountry adoption had already been ratified and the European Convention on the Adoption of Children was being considered with a view to being ratified in the near future.

35. Mr. PENDAROVSKI (The former Yugoslav Republic of Macedonia) said that 8,550 foreigners had been granted refugee status, of whom 70 per cent were estimated to be women and 45-50 per cent children. There were thought to be roughly 3,000 illegal refugees. The Government was cooperating with the Office of the United Nations High Commissioner for Refugees (UNHCR) to repatriate Kosovar refugees by 31 March 2000. There was reason to think that Albania and some other countries in the region were being used as bases for the traffic in children, but over the past four years there had been not a single proven case in the former Yugoslav Republic of Macedonia.

36. Mr. DZUNDEV (The former Yugoslav Republic of Macedonia) said that the influx of refugees weighed heavily on the economy of a country in transition, which had absorbed over 330,000 refugees, representing 20 per cent of the population. The Government had decided to tackle the situation with the help of UNHCR, UNICEF and the hundred or so NGOs which had been in the country since the crisis had erupted.

37. A vast national campaign against dropping out from school had been initiated and over the past 10 years the secondary school attendance rate among Albanian-speaking children had increased significantly.

38. Mr. TODOROV (The former Yugoslav Republic of Macedonia) said that the rules of administrative procedure were applicable to Social Work Centres by virtue of article 14 of the Family Act, which meant that any decision taken by the Centres could be appealed before a body of second instance. In 95 per cent of cases that body was the Ministry of Labour and Social Policy. The decision handed down at the end of the proceedings could be contested before the Supreme Court, the highest judicial body in the country.

39. In accordance with the Criminal Code, juvenile delinquents of over 14 and under 16 years could only be sentenced to disciplinary, educational or institutional measures. The decision could specify the offence and the grounds for the sentence but the minor would not be charged with the offence. Minors between 16 and 18 years could be sentenced to imprisonment not exceeding 10 years. Young adults, namely persons of between 18 and 21 years, could benefit from the same special treatment accorded to juvenile delinquents if it was believed that they were not sufficiently mature emotionally and intellectually.

40. Ms. GORGIEVA (The former Yugoslav Republic of Macedonia) said she wished to dispel any misunderstanding surrounding the principle of non-discrimination. The relevant legislative provisions were probably the most frequently applied of all. The Constitution and domestic legislation, especially with respect to education, health, public service and the administration of justice for minors, covered all forms of discrimination against which children and adults should be protected. The doubts expressed by some Committee members with respect to the effective implementation of the Convention were unfounded, as the Convention was an integral part of domestic law and thus directly applicable by the courts of law.

41. Mr. ILIEVSKI (The former Yugoslav Republic of Macedonia) said that primary and secondary school children were allowed to found associations, for instance environmental protection associations. Representatives from several schools could even pool their efforts to work on a particular issue. Corporal punishment and physical and psychological violence against children were illegal. Teachers found guilty of such acts could be subject to disciplinary action at the school level. However, no complaint of corporal punishment had ever been lodged with the courts.

42. Ms. LAZAROVA-TRAJKOVSKA (The former Yugoslav Republic of Macedonia) said that from the start of the influx of refugees, the authorities had been registering children born on the Republic's territory. By 13 January 2000, close to 1,000 children born of refugee parents had been registered and a birth certificate issued for each one. The problem of non-registration of births, often due to the fact that mothers were undocumented, rarely arose: there had been only six recorded cases.

43. The CHAIRPERSON noted that a number of questions that had been raised by Committee members remained unanswered, especially those concerning the prevention of violence among young people, the way in which the report had been prepared, the dissemination of the Convention in the country and the State party's position with respect to the new concept of the child as a subject of law. Did the authorities of the State party intend to ratify the ILO Convention on the worst forms of child labour? Did the country have a service responsible for educating mothers?

44. Mrs. TIGERSTEDT-TÄHTELÄ asked whether the policy whereby families were encouraged not to have more than three children did not constitute discrimination against a fourth or fifth child.

45. Mrs. MOKHUANE said she would like to know how the dignity and autonomy of disabled children were guaranteed considering that most related services were experiencing severe financial difficulties. Did the State authorities intend to subscribe to the rules governing

equal opportunities for the disabled? She wondered how disabled people were viewed by society and whether disabled children were subjected to sexual violence more often than were other children.

46. Ms. BECANOVIC (The former Yugoslav Republic of Macedonia) said that even in rural areas young mothers received at least three post-natal visits and that mothers were educated under a special programme. Due to the lack of resources, two programmes had unfortunately had to be suspended, one relating to family planning and the other to children's health. However, the main thrust of the programmes had been reintegrated into the work carried out by nurses and doctors treating patients in primary health-care centres. A group of NGOs had organized a workshop for Romany adolescents and, in fact, the proportion of young Romany mothers was substantially the same as for the rest of the population. All institutions for the disabled had a medical service, and disabled children living with their families experienced no discrimination in terms of access to health care. The authorities attached high priority to ensuring that public places were equipped with facilities for the disabled.

47. Mr. DZUNDEV (The former Yugoslav Republic of Macedonia), turning to the preparation and presentation of the report by the authorities, said that the relevant ministries had been asked to complete a questionnaire and NGOs concerned with children's issues had been contacted. The ministries responsible for implementing the Convention worked completely openly. Finally, the resolution relating to population policy in no way discriminated against families with more than three children.

48. Mrs. TIGERSTEDT-TÄHTELÄ said that the Committee was aware of the economic problems the former Yugoslav Republic of Macedonia faced and was therefore well impressed with the competence of the delegation, although a certain lack of experience in dealing with an international body such as the Committee could be detected. She was still persuaded that there was serious discrimination against the most disadvantaged sectors of the population. She urged the authorities to review domestic legislation in order to make it fully compatible with the Convention, to adopt a holistic approach to children's rights and to establish a global strategy for implementing the Convention. In addition, persons working with children should be trained in the principles laid down in the Convention. Lastly, greater attention should be paid to Romany children, especially in regard to their integration into secondary schools.

49. Mr. DZUNDEV (The former Yugoslav Republic of Macedonia) thanked the members of the Committee for the quality of the dialogue and restated his Government's determination to implement all the Convention's provisions in spite of the country's difficult economic circumstances.

50. The CHAIRPERSON welcomed the fruitful discussions that had taken place between the delegation and the Committee and the acceptance by the State party of the amendment to article 43 of the Convention which would increase the Committee's membership from 10 to 18.

The meeting rose at 6.05 p.m.